

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE MAY 2, 2005

SENATE BILL

No. 105

Introduced by Senator Speier
(Principal coauthor: Senator Soto)
(Principal coauthor: Assembly Member Torrico)

January 20, 2005

An act to amend Sections 21175 and 21192 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 105, as amended, Speier. Disability ~~requirement~~ *retirement*: medical examinations.

(1) Under the Public Employees' Retirement System, if a recipient of a disability retirement allowance who is under the minimum age for voluntary retirement for service applicable to members of his or her class refuses to submit to a medical examination, the pension portions of his or her allowance may be discontinued until his or her withdrawal of the refusal, or cancelled if the refusal continues for one year.

This bill would provide that if a recipient of a disability retirement allowance who is over the minimum age for voluntary retirement for service applicable to members of his or her class, and who has been receiving a retirement allowance for less than 36 months, refuses to submit to a medical examination, the pension portions of his or her allowance may be discontinued until the withdrawal of the refusal.

(2) The Board of Administration of the Public Employees' Retirement System, or in the case of a local safety member, the governing body of the employer from whose employment the person was retired, as specified, may require any recipient of a disability

retirement allowance under the minimum age for voluntary retirement for service applicable to members of his or her class to undergo medical examination, as specified.

This bill would provide that a recipient of a disability retirement who is over the minimum age for voluntary retirement for service applicable to members of his or her class, and has been receiving a retirement allowance for less than 36 months, may be subject to that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21175 of the Government Code is
2 amended to read:

3 21175. If any recipient of a disability retirement allowance
4 under the minimum age for voluntary retirement for service
5 applicable to members of his or her class refuses to submit to
6 medical examination, the pension portions of his or her
7 allowance may be discontinued until his or her withdrawal of the
8 refusal. If any recipient of a disability retirement allowance who
9 is over the minimum age for voluntary retirement for service
10 applicable to members of his or her class, and who has been
11 receiving a disability retirement allowance for less than 36
12 months, refuses to submit to a medical examination, the pension
13 portions of his or her allowance may be discontinued until his or
14 her withdrawal of the refusal. If the refusal continues for one
15 year, the disability retirement allowance may be canceled.

16 SEC. 2. Section 21192 of the Government Code is amended
17 to read:

18 21192. The board, or in case of a local safety member, other
19 than a school safety member, the governing body of the employer
20 from whose employment the person was retired, may require any
21 recipient of a disability retirement allowance who is under the
22 minimum age for voluntary retirement for service applicable to
23 members of his or her class or who is over the minimum age for
24 voluntary retirement for service applicable to members of his or
25 her class and has been receiving a retirement allowance for less
26 than 36 months to undergo medical examination, and upon his or
27 her application for reinstatement, shall cause a medical

1 examination to be made of the recipient who is at least six
2 months less than the age of compulsory retirement for service
3 applicable to members of the class or category in which it is
4 proposed to employ him or her. *The board or governing body*
5 *shall not require the recipient who is over the minimum age for*
6 *voluntary retirement for service applicable to members of his or*
7 *her class to undergo more than two medical examinations in that*
8 *36-month period.* The board, or in case of a local safety member,
9 other than a school safety member, the governing body of the
10 employer from whose employment the person was retired, shall
11 also cause the examination to be made upon application for
12 reinstatement to the position held at retirement or any position in
13 the same class, of a person who was incapacitated for
14 performance of duty in the position at the time of a prior
15 reinstatement to another position. The examination shall be made
16 by a physician or surgeon, appointed by the board or the
17 governing body of the employer, at the place of residence of the
18 recipient or other place mutually agreed upon. Upon the basis of
19 the examination, the board or the governing body shall determine
20 whether he or she is still incapacitated, physically or mentally,
21 for duty in the state agency, the university, or contracting agency,
22 where he or she was employed and in the position held by him or
23 her when retired for disability, or in a position in the same
24 classification, and for the duties of the position with regard to
25 which he or she has applied for reinstatement from retirement.

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